

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA : AFFIRMATION

-v.- : 08 Cr. 141 (LBS)

GWENERVA CHERRY, :
Defendant. :
- - - - - x

SOUTHERN DISTRICT OF NEW YORK, ss:

DANIEL W. LEVY, being duly sworn, deposes and says
that:

1. I am an Assistant United States Attorney in the
Office of Michael J. Garcia, United States Attorney for the
Southern District of New York.

2. I am in charge of the above-entitled matter.

3. On or about February 20, 2008, defendant GWENERVA
CHERRY ("CHERRY") was charged in an Information with a violation
of 18 U.S.C. §§ 153 and 2.

4. On or about April 29, 2008, CHERRY entered a plea
of guilty to the Information.

5. CHERRY is scheduled to be sentenced by this Court
on August 6, 2008.

6. CHERRY is currently serving a sentence imposed by
a Justice of the Supreme Court of the State of New York on or
about June 26, 2008.

7. CHERRY is currently housed at the Rose M. Singer Center, New York City Department of Correction, 19-19 Hazen Street, East Elmhurst, New York 11370.

8. CHERRY's date of birth is January 25, 1957. CHERRY's New York State Identification ("NYSID") number is 2549694N.

9. The defendant is required to appear before the Court for sentencing. Therefore, it is necessary for the defendant to be transported under safe and secure conduct, to the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007-1312.

10. No previous application for the relief sought herein has been made.

WHEREFORE, your deponent respectfully prays that a writ of habeas corpus ad prosequendum issue, directing the Warden of the Rose M. Singer Center, New York City Department of Correction, 19-19 Hazen Street, East Elmhurst, New York 11370, and the United States Marshal for the Southern District of New York to produce the above-named defendant before this Court as soon as the defendant is available, and after CHERRY has been sentenced in connection with the above-referenced case, to return her to Rose M. Singer Center, New York City Department of Correction, 19-19 Hazen Street, East Elmhurst, New York 11370.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 17, 2008, at New York, New York.

Daniel W. Levy
Assistant United States Attorney
Telephone: (212) 637-1062